

AMENDED IN ASSEMBLY AUGUST 31, 2011

AMENDED IN ASSEMBLY AUGUST 22, 2011

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 334

Introduced by Senator DeSaulnier

(Coauthors: Assembly Members Fuentes and Gatto)

February 15, 2011

An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 334, as amended, DeSaulnier. Elections: statewide ballot pamphlet.

Existing law specifies information that must be included in the statewide ballot pamphlet for each state measure to be voted upon.

This bill would require the Secretary of State to include in the ballot pamphlet a list of the 5 highest contributors of \$50,000 or more to each primarily formed committee supporting or opposing each state measure, as well as the total amount of their contributions, as of 110 days before election day or, if a special election is called on a date before election day for that special election so as to make compliance with the 110-day timeframe infeasible, as of a later date as feasible, based on the time requirements set forth by the Secretary of State for preparation of the ballot pamphlets for that special election.

The Political Reform Act of 1974, an initiative measure, generally provides that the Legislature may amend the act to further the act's

purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

The act also provides that, notwithstanding this requirement, the Legislature may add to the content of the ballot pamphlet as specified in the act information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

This bill would incorporate additional changes to Section 9086 of the Elections Code and Section 88002 of the Government Code, proposed by AB 732, to be operative only if AB 732 and this bill are both enacted, both bills become effective on or before January 1, 2012, and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9084 of the Elections Code is amended
2 to read:
3 9084. (a) The ballot pamphlet shall contain all of the following:
4 (1) A complete copy of each state measure.
5 (2) A copy of the specific constitutional or statutory provision,
6 if any, that each state measure would repeal or revise.
7 (3) A copy of the arguments and rebuttals for and against each
8 state measure.
9 (4) A copy of the analysis of each state measure.
10 (5) Tables of contents, indexes, art work, graphics, and other
11 materials that the Secretary of State determines will make the ballot
12 pamphlet easier to understand or more useful for the average voter.
13 (6) A notice, conspicuously printed on the cover of the ballot
14 pamphlet, indicating that additional copies of the ballot pamphlet
15 will be mailed by the county elections official upon request.
16 (7) A written explanation of the judicial retention procedure as
17 required by Section 9083.
18 (8) The Voter Bill of Rights pursuant to Section 2300.
19 (9) (A) (i) A list of the five highest contributors of fifty
20 thousand dollars (\$50,000) or more to each primarily formed
21 committee supporting each state measure and the total amount of
22 each of their contributions as of 110 days before election day or,
23 if a special election is called on a date before election day for that

1 special election so as to make compliance with the 110-day
2 timeframe infeasible, as of a later date as feasible under timeframes
3 and procedures set forth by the Secretary of State for preparation
4 of the state ballot pamphlets for that special election.

5 (ii) A list of the five highest contributors of fifty thousand dollars
6 (\$50,000) or more to each primarily formed committee opposing
7 each state measure and the total amount of each of their
8 contributions as of 110 days before election day or, if a special
9 election is called on a date before election day for that special
10 election so as to make compliance with the 110-day timeframe
11 infeasible, as of a later date as feasible under timeframes and
12 procedures set forth by the Secretary of State for the preparation
13 of the state ballot pamphlets for that special election.

14 (iii) A printed statement that reads substantially similar to the
15 following: “To learn who contributed to committees supporting
16 or opposing each state measure, access the Secretary of State’s
17 Internet Web site at [Internet Web site address].”

18 (iv) Following the lists described in clauses (i) and (ii) and the
19 statement described in clause (iii) shall be a statement stating that
20 the lists reflect only the highest contributors of fifty thousand
21 dollars (\$50,000) or more as of 110 days before election day or,
22 if a special election is called on a date before election day for that
23 special election so as to make compliance with the 110-day
24 timeframe infeasible, as of a later date as feasible under timeframes
25 and procedures set forth by the Secretary of State for the
26 preparation of the state ballot pamphlets for that special election.

27 (B) For purposes of this paragraph, the following apply:

28 (i) If a contributor is a committee controlled by a candidate, the
29 name of the candidate shall be listed.

30 (ii) If a contributor is a sponsored committee, the name of the
31 sponsor shall be listed.

32 (iii) The definitions set forth in Chapter 2 (commencing with
33 Section 82000) of Title 9 of the Government Code.

34 (b) If the ballot contains an election for the office of United
35 States Senator, information on candidates for United States Senator.
36 A candidate for United States Senator may purchase the space to
37 place a statement in the state ballot pamphlet that does not exceed
38 250 words. The statement may not make any reference to any
39 opponent of the candidate. The statement shall be submitted in

1 accordance with timeframes and procedures set forth by the
2 Secretary of State for the preparation of the state ballot pamphlet.

3 (c) If the ballot contains a question on the confirmation or
4 retention of a justice of the Supreme Court, information on justices
5 of the Supreme Court who are subject to confirmation or retention.

6 (d) If the ballot contains an election for the offices of President
7 and Vice President of the United States, a notice that refers voters
8 to the Secretary of State's Internet Web site for information about
9 candidates for the offices of President and Vice President of the
10 United States.

11 SEC. 2. Section 9086 of the Elections Code is amended to read:
12 9086. The ballot pamphlet shall contain as to each state measure
13 to be voted upon, the following, in the order set forth in this
14 section:

15 (a) Upon the top portion of the first page, and not exceeding
16 one-third of the page, shall appear:

- 17 (1) Identification of the measure by number and title.
- 18 (2) The official summary prepared by the Attorney General.
- 19 (3) The total number of votes cast for and against the measure
20 in both the State Senate and Assembly, if the measure was passed
21 by the Legislature.

22 (b) Beginning at the top of the right page shall appear the
23 analysis prepared by the Legislative Analyst, provided that the
24 analysis fits on a single page. If it does not fit on a single page,
25 the analysis shall begin on the lower portion of the first left page
26 and shall continue on subsequent pages until it is completed.

27 (c) Immediately below the analysis by the Legislative Analyst
28 shall appear the list of the five highest contributors of fifty thousand
29 dollars (\$50,000) or more to each primarily formed committee
30 supporting each state measure and a list of the five highest
31 contributors of fifty thousand dollars (\$50,000) or more to each
32 primarily formed committee opposing each state measure, as
33 required by paragraph (9) of subdivision (a) of Section 9084.

34 (d) Arguments for and against the measure shall be placed on
35 the next left and right pages, respectively, following the final page
36 of the analysis of the Legislative Analyst. The rebuttals shall be
37 placed immediately below the arguments.

38 (e) If no argument against the measure has been submitted, the
39 argument for the measure shall appear on the right page facing the
40 analysis.

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

SEC. 2.5. Section 9086 of the Elections Code is amended to read:

9086. The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) (1) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

~~(1)~~

(A) Identification of the measure by number and title.

~~(2)~~

(B) The official summary prepared by the Attorney General.

~~(3)~~

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(2) *The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 and Section 88003 of the Government Code shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.*

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

1 (c) Immediately below the analysis by the Legislative Analyst
2 shall appear the list of the five highest contributors of fifty thousand
3 dollars (\$50,000) or more to each primarily formed committee
4 supporting each state measure and a list of the five highest
5 contributors of fifty thousand dollars (\$50,000) or more to each
6 primarily formed committee opposing each state measure, as
7 required by paragraph (9) of subdivision (a) of Section 9084.

8 ~~(e)~~

9 (d) Arguments for and against the measure shall be placed on
10 the next left and right pages, respectively, following the final page
11 of the analysis of the Legislative Analyst. The rebuttals shall be
12 placed immediately below the arguments.

13 ~~(d)~~

14 (e) If no argument against the measure has been submitted, the
15 argument for the measure shall appear on the right page facing the
16 analysis.

17 ~~(e)~~

18 (f) The complete text of each measure shall appear at the back
19 of the pamphlet. The text of the measure shall contain the
20 provisions of the proposed measure and the existing provisions of
21 law repealed or revised by the measure. The provisions of the
22 proposed measure differing from the existing provisions of law
23 affected shall be distinguished in print, so as to facilitate
24 comparison.

25 ~~(f)~~

26 (g) The following statement shall be printed at the bottom of
27 each page where arguments appear: "Arguments printed on this
28 page are the opinions of the authors, and have not been checked
29 for accuracy by any official agency."

30 SEC. 3. Section 88001 of the Government Code, as amended
31 by Section 63 of Chapter 1 of the Statutes of 2009, is amended to
32 read:

33 88001. (a) The ballot pamphlet shall contain all of the
34 following:

35 (1) A complete copy of each state measure.

36 (2) A copy of the specific constitutional or statutory provision,
37 if any, that would be repealed or revised by each state measure.

38 (3) A copy of the arguments and rebuttals for and against each
39 state measure.

40 (4) A copy of the analysis of each state measure.

1 (5) Tables of contents, indexes, art work, graphics, and other
2 materials that the Secretary of State determines will make the ballot
3 pamphlet easier to understand or more useful for the average voter.

4 (6) A notice, conspicuously printed on the cover of the ballot
5 pamphlet, indicating that additional copies of the ballot pamphlet
6 will be mailed by the county elections official upon request.

7 (7) A written explanation of the judicial retention procedure as
8 required by Section 9083 of the Elections Code.

9 (8) The Voter Bill of Rights pursuant to Section 2300 of the
10 Elections Code.

11 (9) (A) (i) A list of the five highest contributors of fifty
12 thousand dollars (\$50,000) or more to each primarily formed
13 committee supporting each state measure and the total amount of
14 each of their contributions as of 110 days before election day or,
15 if a special election is called on a date before election day for that
16 special election so as to make compliance with the 110-day
17 timeframe infeasible, as of a later date as feasible under timeframes
18 and procedures set forth by the Secretary of State for the
19 preparation of the state ballot pamphlets for that special election.

20 (ii) A list of the five highest contributors of fifty thousand dollars
21 (\$50,000) or more to each primarily formed committee opposing
22 each state measure and the total amount of each of their
23 contributions as of 110 days before election day or, if a special
24 election is called on a date before election day for that special
25 election so as to make compliance with the 110-day timeframe
26 infeasible, as of a later date as feasible under timeframes and
27 procedures set forth by the Secretary of State for the preparation
28 of the state ballot pamphlets for that special election.

29 (iii) A printed statement that reads substantially similar to the
30 following: “To learn who contributed to committees supporting
31 or opposing each state measure, access the Secretary of State’s
32 Internet Web site at [Internet Web site address].”

33 (iv) Following the lists described in clauses (i) and (ii) and the
34 statement described in clause (iii) shall be a statement stating that
35 the lists reflect only the highest contributors of fifty thousand
36 dollars (\$50,000) or more as of 110 days before election day or,
37 if a special election is called on a date before election day for that
38 special election so as to make compliance with the 110-day
39 timeframe infeasible, as of a later date as feasible under timeframes

1 and procedures set forth by the Secretary of State for the
2 preparation of the state ballot pamphlets for that special election.

3 (B) For purposes of this paragraph, the following apply:

4 (i) If a contributor is a committee controlled by a candidate, the
5 name of the candidate shall be listed.

6 (ii) If a contributor is a sponsored committee, the name of the
7 sponsor shall be listed.

8 (b) If the ballot contains an election for the office of United
9 States Senator, information on candidates for United States Senator.

10 A candidate for United States Senator may purchase the space to
11 place a statement in the state ballot pamphlet that does not exceed
12 250 words. The statement may not make any reference to any
13 opponent of the candidate. The statement shall be submitted in
14 accordance with timeframes and procedures set forth by the
15 Secretary of State for the preparation of the state ballot pamphlet.

16 (c) If the ballot contains a question as to the confirmation or
17 retention of a justice of the Supreme Court, information on justices
18 of the Supreme Court who are subject to confirmation or retention.

19 (d) If the ballot contains an election for the offices of President
20 and Vice President of the United States, a notice that refers voters
21 to the Secretary of State's Internet Web site for information about
22 candidates for the offices of President and Vice President of the
23 United States.

24 (e) A written explanation of the appropriate election procedures
25 for party-nominated, voter-nominated, and nonpartisan offices as
26 required by Section 9083.5 of the Elections Code.

27 SEC. 4. Section 88002 of the Government Code is amended
28 to read:

29 88002. The ballot pamphlet shall contain as to each state
30 measure to be voted upon, the following in the order set forth in
31 this section:

32 (a) Upon the top portion of the first page and not exceeding
33 one-third of the page shall appear:

34 (1) The identification of the measure by number and title.

35 (2) The official summary prepared by the Attorney General.

36 (3) The total number of votes cast for and against the measure
37 in both the State Senate and Assembly if the measure was passed
38 by the Legislature.

39 (b) Beginning at the top of the right page shall appear the
40 analysis prepared by the Legislative Analyst, provided that the

1 analysis fits on a single page. If it does not fit on a single page,
2 then the analysis shall begin on the lower portion of the first left
3 page and shall continue on subsequent pages until it is completed.

4 (c) Immediately below the analysis by the Legislative Analyst
5 shall appear the list of the five highest contributors of fifty thousand
6 dollars (\$50,000) or more to each primarily formed committee
7 supporting each state measure and a list of the five highest
8 contributors of fifty thousand dollars (\$50,000) or more to each
9 primarily formed committee opposing each state measure, as
10 required by paragraph (9) of subdivision (a) of Section 88001.

11 (d) Arguments for and against the measure shall be placed on
12 the next left and right pages, respectively, following the page on
13 which the analysis of the Legislative Analyst ends. The rebuttals
14 shall be placed immediately below the arguments.

15 (e) If no argument against the measure has been submitted, the
16 argument for the measure shall appear on the right page facing the
17 analysis.

18 (f) The complete text of each measure shall appear at the back
19 of the pamphlet. The text of the measure shall contain the
20 provisions of the proposed measure and the existing provisions of
21 law repealed or revised by the measure. The provisions of the
22 proposed measure differing from the existing provisions of law
23 affected shall be distinguished in print, so as to facilitate
24 comparison.

25 (g) The following statement shall be printed at the bottom of
26 each page where arguments appear: "Arguments printed on this
27 page are the opinions of the authors and have not been checked
28 for accuracy by any official agency."

29 *SEC. 4.5. Section 88002 of the Government Code is amended*
30 *to read:*

31 88002. The ballot pamphlet shall contain as to each state
32 measure to be voted upon, the following in the order set forth in
33 this section:

34 (a) (1) Upon the top portion of the first page and not exceeding
35 one-third of the page shall appear:

36 ~~(1)~~

37 (A) The identification of the measure by number and title.

38 ~~(2)~~

39 (B) The official summary prepared by the Attorney General.

40 ~~(3)~~

1 (C) The total number of votes cast for and against the measure
2 in both the State Senate and Assembly if the measure was passed
3 by the Legislature.

4 (2) *The space in the title and summary that is used for an*
5 *explanatory table prepared pursuant to paragraph (2) of*
6 *subdivision (e) of Section 9087 of the Elections Code and Section*
7 *88003 shall not be included when measuring the amount of space*
8 *the information described in paragraph (1) has taken for purposes*
9 *of determining compliance with the restriction prohibiting the*
10 *information described in paragraph (1) from exceeding one-third*
11 *of the page.*

12 (b) Beginning at the top of the right page shall appear the
13 analysis prepared by the Legislative Analyst, provided that the
14 analysis fits on a single page. If it does not fit on a single page,
15 then the analysis shall begin on the lower portion of the first left
16 page and shall continue on subsequent pages until it is completed.

17 (c) *Immediately below the analysis by the Legislative Analyst*
18 *shall appear the list of the five highest contributors of fifty thousand*
19 *dollars (\$50,000) or more to each primarily formed committee*
20 *supporting each state measure and a list of the five highest*
21 *contributors of fifty thousand dollars (\$50,000) or more to each*
22 *primarily formed committee opposing each state measure, as*
23 *required by paragraph (9) of subdivision (a) of Section 88001.*

24 ~~(e)~~

25 (d) Arguments for and against the measure shall be placed on
26 the next left and right pages, respectively, following the page on
27 which the analysis of the Legislative Analyst ends. The rebuttals
28 shall be placed immediately below the arguments.

29 ~~(d)~~

30 (e) If no argument against the measure has been submitted, the
31 argument for the measure shall appear on the right page facing the
32 analysis.

33 ~~(e)~~

34 (f) The complete text of each measure shall appear at the back
35 of the pamphlet. The text of the measure shall contain the
36 provisions of the proposed measure and the existing provisions of
37 law repealed or revised by the measure. The provisions of the
38 proposed measure differing from the existing provisions of law
39 affected shall be distinguished in print, so as to facilitate
40 comparison.

1 ~~(f)~~

2 (g) The following statement shall be printed at the bottom of
3 each page where arguments appear: “Arguments printed on this
4 page are the opinions of the authors and have not been checked
5 for accuracy by any official agency.”

6 *SEC. 5. (a) Section 2.5 of this bill incorporates amendments*
7 *to Section 9086 of the Elections Code proposed by both this bill*
8 *and Assembly Bill 732. It shall only become operative if (1) both*
9 *bills are enacted and become effective on or before January 1,*
10 *2012, (2) each bill amends Section 9086 of the Elections Code,*
11 *and (3) this bill is enacted after Assembly Bill 732, in which case*
12 *Section 2 of this bill shall not become operative.*

13 *(b) Section 4.5 of this bill incorporates amendments to Section*
14 *88002 of the Government Code proposed by both this bill and*
15 *Assembly Bill 732. It shall only become operative if (1) both bills*
16 *are enacted and become effective on or before January 1, 2012,*
17 *(2) each bill amends Section 88002 of the Government Code, and*
18 *(3) this bill is enacted after Assembly Bill 732, in which case*
19 *Section 4 of this bill shall not become operative.*

20 ~~SEC. 5.~~

21 *SEC. 6.* The Legislature finds and declares that this act permits
22 or requires the inclusion of additional information on the ballot
23 pamphlet in accordance with Section 88007 of the Government
24 Code.